AMENDING OR REPEALING CERTAIN LAWS RELATING TO GOVERNMENT RECORDS, AND FOR PURPOSES

SEPTEMBER 20 (legislative day, SEPTEMBER 19), 1951.—Ordered to be printed

Mr. McClellan, from the Committee on Expenditures in the Executive Departments, submitted the following

REPORT

[To accompany S. 1967]

The Committee on Expenditures in the Executive Departments, to whom was referred S. 1967, to amend or repeal certain laws relating to Government records, and for other purposes, having considered the same, report favorably thereon, with amendments, and recommend that the bill do pass.

The amendments are as follows:

On page 5, strike out all in lines 14 to 17, inclusive, and insert in lieu thereof the following:

(1) By amending the third paragraph appearing on page 208 of volume 28 of the Statutes at Large in section 8 of the Act of July 31, 1894, as amended (31

U. S. C. 74), to read as follows:

"The General Accounting Office shall preserve all accounts which have been finally adjusted, together with all vouchers, certificates, and related papers until disposed of as provided by law."

On page 7, line 24, strike out the period and quotation mark and insert in lieu thereof a comma, and the following: "at which time it may be disposed of as provided by law.".

PURPOSE

The purpose of this bill is to repeal parts of laws, containing limitations, restrictions, and other provisions which have become obsolete or are inoperative because they have been superseded by recent legislation relating to Federal records management, records disposal, and other recent legislation having to do with the control and disposition of records maintained by the various departments and agencies of the Federal Government. The repealers and amendments contained in this bill are designed to clarify existing statutes and authority governing the administration of Federal records in accordance with the provisions of the Federal Records Disposal Act of 1943

and the Federal Records Act of 1950.

This bill was drafted by the General Services Administration in collaboration with representatives of the Bureau of the Budget and the General Accounting Office for the purpose of repealing obsolete laws, and pursuant to the authority contained in section 212 of the Federal Property and Administrative Services Act of 1949, as amended by Public Law 754 of 1950, which provides as follows:

The Administrator shall submit a report to the Congress, in January of each year and at such other times as he may deem it desirable, regarding the administration of his functions under this Act, together with such recommendations for amendments to this Act as he may deem appropriate as the result of the administration of such functions, at which time he shall also cite the laws becoming obsolete by reason of passage or operation of the provisions of this Act.

CHANGES IN EXISTING LAW AND EXPLANATION OF THE BILL

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 1

(1) [FILES, HOUSE OF REPRESENTATIVES: The Clerk of the House of Representatives is hereby authorized and directed to deliver to the Librarian of Congress all bound volumes of original papers, general petitions, printed matter, books, and manuscripts now in, or that may hereafter come into, the files of the House, which in his judgment are not required to be retained in the immediate custody of the file clerk; and it shall be the duty of the Librarian of Congress to cause all such matter so delivered to him to be properly classified by Congress and arranged for preservation and ready reference. All of such matter to be held as a part of the files of the House of Representatives, subject to its orders and rules. Note.—The repeal of the above-bracketed provision, the sixth para-

graph on page 642 of volume 31 of the Statutes at Large, in the act of June 6, 1900 (2 U. S. C. 147), is proposed because it has been superseded by section 140 (b) of the act of August 2, 1946 (60 Stat. 833), and by section 507 (a) (1) of the Federal Records Act of 1950 (64 Stat. 583).

(2) [Sec. 4. That except as otherwise provided by law the President is author-

ized to transfer to the custody and care of such of the departments or independent establishments as he may determine the files and records of the agencies created for the period of the war upon the discontinuance of such activities.

Note.—The repeal of the above-bracketed provision, section 4 of the act of July 19, 1919 (41 Stat. 233; 5 U.S. C. 111), is proposed because its objectives, if not already fully accomplished, can be accomplished by the provisions of sections 505 (e) and 507 (a) (1) of the Federal Records

Act of 1950 (64 Stat. 583).

(3) That the Postmaster General is hereby authorized to sell as waste paper, or otherwise dispose of, the files of papers which have accumulated, or may hereafter accumulate, in the Post Office Department that are not needed in the transaction of current business and have no permanent value or historical interest; and the proceeds of said sales he shall pay into the treasury, and make a report thereof to Congress.]

The repeal of the above-bracketed provision, the second full NOTE.paragraph on page 412 of volume 21 of the Statutes at Large, in the act of March 3, 1881 (5 U. S. C. 112), is proposed because it has been superseded by provisions of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380-383; 59 Stat. 434; 44 U.S. C. 366-380).

(4) And the Secretary of the Treasury is hereby authorized to sell as waste paper, or otherwise dispose of, the files of papers which have accumulated, or may hereafter accumulate, in the Office of the Auditor of the Treasury for the

Post Office Department that are not needed in the transaction of current business and have no permanent official or historical value; and the proceeds of said sales he shall pay into the Treasury, and make report thereof to Congress.

Note.—The repeal of the above-bracketed provision, the second sentence of the first full paragraph on page 228 of volume 22 of the

Statutes at Large, in the act of August 5, 1882 (5 U. S. C. 112), is proposed because it has been superseded by provisions of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380-383; 59

Stat. 434; 44 U. S. C. 366-380).

(5) That whenever there shall be in any one of the Executive Departments of the Government an accumulation of files of papers, which are not needed or useful in the transaction of the current business of such Department and have no permanent value or historical interest, it shall be the duty of the head of such Department to submit to Congress a report of that fact, accompanied by a concise statement of the condition and character of such papers. And upon the submission of such report, it shall be the duty of the presiding officer of the Senate to appoint two Senators, and of the Speaker of the House of Representatives to appoint two Representatives, and the Senators and Representatives so appointed shall constitute a joint committee, to which shall be referred such report, with the accompanying statement of the condition and character of such papers, and such joint committee shall meet and examine such report and statement and the papers therein described, and submit to the Senate and House, respectively, a report of such examination and their recommendation. And if they report that such files of papers, or any part thereof, are not needed or useful in the transaction of the current business of such Department, and have no permanent value or historical interest, then it shall be the duty of such head of the Department to sell as waste paper, or otherwise dispose of such files of papers upon the best obtainable terms after due publication of notice inviting proposals therefor, and receive and pay the proceeds thereof into the Treasury of the United States, and make report thereof to Congress.

Note.—The repeal of the above-bracketed provision, the act of February 16, 1889 (25 Stat. 672; 5 U. S. C. 112), is proposed because it has been superseded by provisions of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380-383; 59 Stat. 434; 44 U. S. C. 366-380)

(6) That the Act entitled "An Act to authorize and provide for the disposition of useless papers in the Executive Departments," approved February sixteenth, eighteen hundred and eighty-nine, be, and the same is hereby, amended so as to include in its provisions any accumulation of files of papers of a like character therein described now or hereafter in the various public buildings under the control of the several Executive Departments of the Government.

Note.—The repeal of the above bracketed provision, the fourth full paragraph on page 933 of volume 28 of the Statutes at Large, in the act of March 2, 1895 (5 U. S. C. 112), is proposed because it is superseded by the provisions of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380-383; 59 Stat. 434; 44 U. S. C. 366-380), which are applicable to all Federal records regardless of their location.

(7) [Whereas the military records of the American Revolution and of the war of eighteen hundred and twelve are now preserved in different Executive Departments of the Government and are not easily accessible; and

Whereas it is important that they should be collected in one Department, where they could be easily consulted and properly indexed and arranged for use: Therefore,

■Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the military records of the American Revolution and of the war of eighteen hundred and twelve, now preserved in the Treasury and Interior Departments, be transferred to the War Department, to be preserved in the Record and Pension Division of that Department, and that they shall be properly indexed and arranged for use.]

Note.—The repeal of the above bracketed provisions, the act of July 27, 1892, ch. 267 (27 Stat. 275; 5 U.S. C. 193), is proposed because the objectives of the act, if not already fully accomplished, can be accomplished by the provisions of sections 505 (e), 507 (a) (1), and 507 (c) of the Federal Records Act of 1950 (64 Stat. 583).

(8) That all military records, such as muster and pay rolls, orders, and reports relating to the personnel or the operations of the armies of the Revolutionary war and of the war of eighteen hundred and twelve, now in any of the Executive Departments, shall be transferred to the Secretary of War to be preserved, in-

dexed, and prepared for publication.

Note.—The repeal of the above bracketed provision, the last paragraph commencing on page 403 and ending on page 404 of volume 28 of the Statutes at Large, in the act of August 18, 1894 (5 U. S. C. 193), is proposed because the objectives of that portion of the act, if not already fully accomplished, can be accomplished by the provisions of sections 505 (e), 507 (a) (1), and 507 (c) of the Federal Records Act of 1950 (64 Stat. 583).

(9) That, within the limits of the appropriation herein made, the Secretary of War is hereby authorized and directed to collect or copy and classify, with a view to publication, the scattered military records of the Revolutionary War, including all troops acting under State authority, and the Secretary of the Navy is hereby authorized and directed to collect or copy and classify, with a view to

publication, the scattered naval records of the Revolutionary War.

[Sec. 2. That all such records in the possession or custody of any official of the United States shall be transferred, the military records to the War Depart-

ment and the naval records to the Navy Department.

SEC. 3. That there is hereby appropriated for the purposes of this act, out of any money in the Treasury not otherwise appropriated, twenty-five thousand dollars for the War Department and seven thousand dollars for the Navy Department: Provided, That the aforesaid sums of money shall be expended, respectively, under the direction of the Secretary of War and the Secretary of the Navy, and that they shall make to Congress each year detailed statements showing how the money herein appropriated has been expended and to whom: Provided further, That no part of the sum hereby appropriated shall be used in the purchase of any such records that may be discovered either in the hands of private owners or in public depositories.]

Note.—The repeal of the above bracketed provisions, the act of March 2, 1913 (37 Stat. 723; 5 U. S. C. 193), is proposed because the objectives of the act, if not already fully accomplished, can be accomplished by the provisions of sections 505 (e), 507 (a) (1), and 507 (c) of the Federal Records Act of 1950 (64 Stat. 583).

(10) That the military rolls and records of the Indian wars or any other wars prior to the civil war, now preserved in the Interior or other Departments, be transferred to the War Department, to be preserved in the Record and Pension Office of that Department, and that they shall be properly indexed and arranged for use.

Note.—The repeal of the above bracketed provision, the act of April 28, 1904, No. 35 (33 Stat. 591; 5 U. S. C. 194), is proposed because the objectives of the act, if not already fully accomplished, can be accom-

plished by the provisions of sections 505 (e), 507 (a) (1), 507 (b), and 507 (c) of the Federal Records Act of 1950 (64 Stat. 583).

(11) Land from and after the passage of this act the records which have been, or which may hereafter be, selected for publication shall be accessible to the public, under such regulations as the Secretary of War may prescribe, but in no case shall such regulations permit the removal of the original records from the Department building. I NOTE.—The repeal of the above bracketed provision, the last sen-

tence in the paragraph commencing on page 970 and ending on page 971 of volume 25 of the Statutes at Large, in the act of March 2, 1889 (5 U. S. C. 194a), is proposed because it has been superseded by the provisions of sections 507 (a) (1), 507 (b), and 507 (c) of the Federal Records Act of 1950 (64 Stat. 583).

(12) [All naval records, such as muster and pay rolls, orders, and reports relating to the personnel and operations of the Navy of the United States, from the beginning of the Navy Department to the war of the rebellion, eighteen hundred and sixty-one, including operations against the French navy, Tripolitan war, war of eighteen hundred and twelve, operations against pirates in the West Indies, Florida war, and the war with Mexico, now in any of the Executive Departments, shall be transferred to the Secretary of the Navy, to be preserved.

Note.—The repeal of the above bracketed provision, the last sen-

tence in the sixth full paragraph on page 403 of volume 33 of the Statutes at Large, in the act of April 27, 1904 (5 U. S. C. 414), is proposed because its objectives, if not already fully accomplished, can be accomplished under the provisions of the Federal Records Act of 1950 (64 Stat. 583) and in order to make certain that the Secretary of the Navy is not precluded from depositing such noncurrent records with the National

Archives of the United States.

(13) [That all records (such as muster and pay rolls and reports) relating to the personnel and operations of public and private armed vessels of the North American colonies in the war of the Revolution now in any of the Executive Departments shall be transferred to the Secretary of the Navy, to be preserved, indexed, and

Prepared for publication. Note.—The repeal of the above-bracketed provision, the second paragraph on page 579 of volume 34 of the Statutes at Large, in the act of June 29, 1906 (5 U. S. C. 414), is proposed because its objectives, if not already fully accomplished, can be accomplished under the provisions of the Federal Records Act of 1950 (64 Stat. 583) and in order to make certain that the Secretary of the Navy is not precluded from depositing

such noncurrent records with the National Archives of the United States.

(14) [And hereafter the Secretary of Agriculture is authorized to sell as waste paper, or otherwise to dispose of the accumulation of Department files which do not constitute permanent records, and all other documents and publications which

have become obsolete or worthless.]

Note.—The repeal of the above-bracketed provision, the fifth full paragraph on page 1281 of volume 34 of the Statutes at Large, in the act of March 4, 1907 (5 U. S. C. 544), is proposed because it has been superseded by provisions of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380–383; 59 Stat. 434; 44 U. S. C. 366–380).

(15) That hereafter all telegrams pertaining to the business of the Weather Bureau may be destroyed after they are three years old, and the accounts based thereon have been settled by the Treasury Department; and the present accumulation of these old telegrams may be destroyed.

Note.—The repeal of the above bracketed provision, the third paragraph on page 204 of volume 31 of the Statutes at Large, in the act of May 25, 1900 (15 U. S. C. 321), is proposed because it has been superseded by provisions of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380-383; 59 Stat. 434; 44 U.S. C. 366-380).

(16) [That (a) after the termination of hostilities in the present war or at such date prior or subsequent thereto as the agency may determine all files and records which relate to the technological and economic phases of domestic sources, supply, and beneficiation of the ores of metals and minerals, and which no longer are required in the conduct of the business of the various governmental agencies (including Government owned or controlled corporations) dealing with such matters, shall be transferred to and consolidated in the possession of the Bureau of Mines

■ T(b) Whenever an agency having custody of any such files and records determines
that it has no further need therefor, it shall immediately notify the Bureau of Upon receipt of such notification the Bureau of Mines, with the aid and advice of the staff of such agency, shall carefully examine such files and records, eliminate extraneous and duplicative material therefrom, and classify the data contained therein in such form as will be of greatest permanent value to the national economy. Each item transferred to the Bureau of Mines shall be microfilmed by the agency having original custody of such files and records and such microfilm shall be delivered to the National Archives. $\mathbb{E}(c)$ Such portion of the aforesaid files and records as are not retained by the

Bureau of Mines shall be subject to disposal in the manner prescribed by law. [(d) The National Archives shall reimburse the agencies for the out-of-pocket

cost of microfilming.

Note.—The repeal of the above bracketed provisions, the act of August 13, 1946, ch. 961 (60 Stat. 1057; 30 U. S. C. 12), is proposed because they are in conflict with the provisions of sections 506 (b) and the provisions for the provisions of sections 506 (b) and the provisions for the provisions for the provisions for the provisions for the provisions of sections 506 (b) and the provisions for the provisions for the provisions for the provisions of sections 506 (b) and the provisions for the provisions of sections 506 (b) and the provisions for the provisions of sections 506 (b) and the provisions for the provisions of sections 506 (b) and the provisions for the provisions of the p 507 (a) (1) of the Federal Records Act of 1950 (64 Stat. 583), and the objectives thereof, to the extent that they are essential or desirable, can

be accomplished by the provisions of section 505 (e) of that act.

(17) That the Secretary of the Treasury and the Comptroller General of the United States, respectively, are hereby authorized and directed to cause to be destroyed all United States Government checks and warrants issued by the Secretary of the Treasury, the Postmaster General, the Treasurer and Assistant Treasurers of the United States, or by disbursing officers and agents of the United States, eight full fiscal years prior to the date of destruction, which checks and warrants have been paid and form the paid check files of the Treasury Department and of the General Accounting Office wherever stored under their respective

control, after all unpaid checks and warrants have been listed as outstanding as now required by law: Provided, That such checks and warrants as, in their discretion, respectively, may be deemed necessary in the public interests or the legality of the negotiation of which has been questioned in any material respect by any party in interest may be preserved: *Provided further*, That such checks as may be of historic or sentimental interest may also be preserved.

Note.—The repeal of the above bracketed provision, section 1 of the act of June 22, 1926, ch. 650 (44 Stat. 761; 31 U. S. C. 121), is proposed because it has been superseded by the provisions of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 38–383; 59 Stat. 434; 44 U. S. C. 366–380), and, more specifically, by action pursuant thereto by the Archivist of the United States (item 1 of Disposal Job NA 346–S–297) and by Congress on April 13, 1946 (H. Rept. No. 1926, 79th Cong. 2d sess.)

79th Cong., 2d sess.).

(18) The Act "to authorize and provide for the disposal of useless papers in the executive departments," approved February sixteenth, eighteen hundred and eighty-nine, is hereby amended so that accumulations in the files of vessels of the Navy of papers that, in the judgment of the commander in chief of the fleet, are not needed or useful in the transaction of current business and have no permanent value or historical interest may be disposed of by the commander in chief of the fleet by sale, after advertisement for proposals, as waste papers if practicable, or if not practicable, then otherwise, as may appear best for the interests of the Government, the commander in chief of the fleet to make report thereon to the Secretary of the Navy; provided always that no papers less than two years old from the date of the last indorsement thereon and no correspondence, or the related papers, with officers or representatives of a foreign government shall be destroyed

or disposed of by such commander in chief of the fleet.

Note.—The repeal of the above bracketed provision, the last paragraph commencing on page 329 and ending on page 330 of volume 37 of the Statutes at Large, in the act of August 22, 1912 (34 U. S. C. 547), is proposed because it is superseded by the provisions of the Federal

Records Disposal Act of July 7, 1943, as amended (57 Stat. 380–383; 59 Stat. 434; 44 U. S. C. 366–380).

(19) [Provided, That the Act "To authorize and provide for the disposal of useless papers in the executive departments," approved February sixteenth, eighteen hundred and eighty-nine, is hereby amended so that accumulations in the files of navy yards and naval stations that, in the judgment of the Secretary of the Navy, are not needed or useful in the transaction of current business and have no permanent value or historical interest may be disposed of by the Secretary of the Navy by sale, after advertisement for proposals as waste paper if practicable, or if not practicable then otherwise as may appear best for the interests of the Government, the said Secretary to make detailed report to the Congress in every case of the papers destroyed; provided always that no papers less than two years old from the date of the last indorsement thereon shall be destroyed or disposed of by the Secretary of the Navy, except in the manner provided in said act of February sixteenth, eighteen hundred and eighty-nine.

Note.—The repeal of the above bracketed provision, the proviso in

the last paragraph commencing on page 929 and ending on page 930 of volume 38 of the Statutes at Large, in the act of March 3, 1915 (34 U. S. C. 548), is proposed because it is superseded by the provisions of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380-383; 59 Stat. 434; 44 U. S. C. 366-380), which are applicable to all

Federal records regardless of their location.

(20) Sec. 8. And be it further enacted, That the collections of the exploring expedition, now in the Patent Office, be placed under the care and management of the Commissioner of Patents, who is hereby authorized to employ one principal keeper of said collections at an annual salary of nine hundred dollars, one assistant keeper at an annual salary of seven hundred and fifty dollars, one night watchman at an annual salary of six hundred dollars, and two laborers at an annual salary each of three hundred and sixty-five dollars.

Note.—The repeal of the above bracketed provision, section 8 of the act of August 4, 1854 (10 Stat. 572; 35 U. S. C. 17), is proposed because it is obsolete. (See 35 U. S. C. A. 17, note, 1950 pocket part.)

(21) That a commission to consist of the Commissioner of Patents and the

Secretary of the Smithsonian Institution, or their representatives, and a patent attorney duly registered as such in the Patent Office, the latter to be designated by the Commissioner of Patents, with the approval of the Secretary of the Interior,

is hereby created to select such of the Patent Office models and exhibition exhibits as may be deemed to be of value and of historical interest, and thereafter store or place the same on exhibition in the Patent Office or the National Museum, and cause the remainder of the said models and exhibits to be disposed of by public auction, gift to Federal, State, or private museums or institutions, or returned without expense to the Government to the original depositors or their representatives, where demanded in writing by them, or destroyed, as the commission may determine.

The Commissioner of Patents is authorized to pay necessary drayage and all other expenses incident to handling and removing the said models and exhibits and to employ per diem employees in such numbers and at such times as he may determine, and pay each of the said employees at a rate of compensation not to exceed \$5 per day, such employees to be engaged upon the work of uncrating, removing, crating, storing, listing, sorting, and otherwise handling said models

and exhibits.

In order to carry out the purposes of this Act the sum of \$10,000 is hereby authorized to be appropriated out of any moneys in the Treasury, not otherwise appropriated: Provided, That all actions and expenditures herein authorized shall

under.

Note.—The repeal of the above-bracketed provisions, the act of February 13, 1925, ch. 230 (43 Stat. 942; 35 U. S. C. 18), is proposed in order to preclude the disposition of Government records under the authority therein contained and because they appear to be obsolete.

(See 35 U. S. C. A. 18, note, 1950 pocket part.)

(22) [Sec. 6. The Commissioner of Patents is hereby authorized to annually destroy or otherwise dispose of all the files and papers belonging to all abandoned

applications which have been on file for more than twenty years.

Note.—The repeal of the above-bracketed provision, section 6 of the act of April 11, 1930 (46 Stat. 156; 35 U. S. C. 23), is proposed in order to preclude the disposition of such files and papers except in accordance with the provisions of the Federal Records Disposal Act of July 7, 1943, as

amended (57 Stat. 380–383; 59 Stat. 434; 44 U. S. C. 366–380).

(23) The Secretary of the Treasury and the Postmaster General shall cause to be destroyed, in such manner as they may deem best, all money-order statements rendered by postmasters and all paid money orders accompanying the same, as well as all descriptive lists of international money orders certified to or by the exchange offices designated for conducting money-order transactions with foreign countries, and all coupons of issued international money orders now filed in the office of the Auditor for the Post Office Department, or which may hereafter be filed therein, after three years shall have elapsed from the expiration of

the period covered by such statements and lists: 1.

Note.—The repeal of the above-bracketed provision, the matter appearing before the proviso in the last paragraph commencing on page 415 and ending on page 416 of volume 35 of the Statutes at Large, in the act of May 27, 1908 (39 U. S. C. 739), is proposed in order to preclude the disposition of the records therein described except in accordance with the provisions of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380-383; 59 Stat. 434; 44 U. S. C. 366-380).

(24) [Sec. 58. That the Postmaster General may dispose of any quarterly returns of mails sent or received, preserving the accounts-current and all accompanying vouchers, and use such portions of the proceeds as may be necessary to defray the cost of separating and disposing of them; but the accounts shall be

preserved entire for at least two years.

Note.—The repeal of the above bracketed provision, section 58 of the act of June 8, 1872 (R. S. 4060; 17 Stat. 292; 39 U. S. C. 792), is proposed because it is superseded by the provisions of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380–383; 59 Stat. 434; 44 U. S. C. 366–380).

(25) That whenever the last United States land office in any State has been or hereafter may be abolished the Secretary of the Interior be, and he is hereby, authorized to transfer to the State within which such United States land office was or is situated such transcripts, documents, and records of the office aforesaid as may not be required for use of the United States and which the State may desire to preserve.

[Sec. 2. That when the public surveys in any State have been so far completed that in the opinion of the Secretary of the Interior it is no longer necessary to maintain a public survey office in said State, he may turn over to the State the field notes, maps, plats, records, and all other papers appertaining to land titles in such public survey office that may not be needed by the United States and which the State may elect to receive.

[Sec. 3. The transcripts, documents, records, field notes, maps, plats, and other papers mentioned in sections 1 and 2 of this Act shall in no case be turned over to the authorities in any State until such State has provided by law for the reception and safekeeping of same as public records, and for the allowance of free

access to the same by the authorities of the United States.]

Note.—The repeal of the above bracketed provisions, the act of May 28, 1926, ch. 415 (44 Stat. 672; 43 U. S. C. 25, 25a, 25b), is proposed because they have been superseded by the provisions of section 2 (as modified by the provisions of sec. 7 (e) of Public Law 754, 81st Cong., 64 Stat. 578) and section 15 of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380–383; 59 Stat. 434; 44 U. S. C. 366–380).

(26) That, notwithstanding the provisions of the Act of August 5, 1939 (53 Stat. 1219), the Comptroller General of the United States is hereby authorized, in his discretion, to destroy and dispose of stamps issued by the Surplus Marketing Administration of the Department of Agriculture after the said stamps have been paid by the Division of Disbursement of the Treasury Department and audited by the General Accounting Office, either in the field or at the seat of

government:]

Note.—The repeal of the above bracketed provision, the first proviso in the second paragraph on page 112 of volume 55 of the Statutes at Large, in the act of April 5, 1941, is proposed because it has been superseded by the provisions of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380-383; 59 Stat. 434; 44 U.S. C. 366-380), and in order to preclude the disposal of such stamps except in accordance

with the provisions of that act.

(27) [Provided, That hereafter, notwithstanding the provisions of the Act of August 5, 1939 (53 Stat. 1219), the Comptroller General of the United States is hereby authorized, in his discretion, to destroy and dispose of stamps issued by the Surplus Marketing Administration of the Department of Agriculture after the said stamps have been paid by the Division of Disbursement of the Treasury Department and audited by the General Accounting Office, either in the field or at the seat of government.

Note.—The repeal of the above bracketed provision, the proviso in the fifth full paragraph on page 411 of volume 56 of the Statutes at Large, in the act of June 27, 1942 (44 U. S. C. 364), is proposed because it has been superseded by the provisions of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380–383; 59 Stat. 434; 44 U. S. C. 366–380), and in order to preclude the disposal of such stamps

except in accordance with the provisions of that act.

(28) Notwithstanding the provisions of the Act of August 5, 1939 (53 Stat. 1219), the Comptroller General of the United States is hereby authorized, in his discretion, to destroy, or otherwise dispose of, redeemed, canceled, or spoiled Defense or War Savings stamps on file in the General Accounting Office, when

no longer needed for audit purposes. Note.—The repeal of the above bracketed provision, the first full paragraph on page 1000 of volume 56 of the Statutes at Large, in the act of October 26, 1942 (44 U. S. C. 365), is proposed because it has been superseded by the provisions of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380–383; 59 Stat. 434; 44 U. S. C. 366–380), and in order to preclude the disposal of such stamps except in accordance with the provisions of that act.

SECTION 2

(Sec. 2. (1):) Sec. 217. Article 36 is amended to read as follows:
"Art. 36. Disposition of Records—Special and Summary Courts-Martial.—After having been acted upon by the officer appointing the court, or by the officer commanding for the time being, the record of each trial by special court-martial and a report of each trial by summary court-martial shall be transmitted to the headquarters of the officer exercising general court-martial jurisdiction over the command, there to be filed in the office of the staff judge advocate until no longer needed in conducting current business: Provided, however, That each case of trial by special court-martial in which the sentence, as approved by the appointing authority, includes a bad-conduct discharge, shall, if approved by the officer exercising general court-martial jurisdiction under the provisions of article 47, be forwarded by him to The Judge Advocate General for review as hereinafter in these articles provided. When no longer of use, records of summary courtsmartial may be destroyed as provided by law governing destruction of Government records.

Note.—The amendment indicated above, in line 8 of section 217 of the act of June 25, 1948 (62 Stat. 632; 10 U. S. C. 1507), is proposed to make it clear that the records described in that section that are of permanent value may be deposited with the National Archives of the United States, in accordance with the provisions of section 507 (a) (1) of the Federal Records Act of 1950 (64 Stat. 583), when no longer needed

in conducting current business. (Sec. 2. (2):) "C. The records of the proceedings shall, when the case is concluded before the referee, be certified to by him and shall, together with such papers as are on file before him, be transmitted to the clerk and shall remain until no longer needed in conducting current business in the office of the clerk as a part of the records of the court.

Note.—The amendment indicated above, in line 4 of section 42c of the act of June 22, 1938 (52 Stat. 860; 11 U. S. C. 70c), is proposed to make it clear that the records described in that subsection may, when no longer needed in conducting current business, be deposited with the National Archives of the United States or otherwise disposed of as pro-

vided by law. (Sec. 2. (3):) Sec. 71. Clerks' Indexes; Certificates of Search; Dockets.-The clerks of the several district courts of the United States shall prepare and keep in their respective offices until no longer needed in conducting current business complete and convenient indexes of all proceedings and discharges under this act heretofore or hereafter filed in the said courts and shall, when requested so to do, issue certificates of search certifying as to whether or not any such proceedings or discharges have been filed. The clerks shall be entitled to receive for such certificates the same fees as may be allowed by law for certificates as to judgments in such courts. Such indexes and dockets shall at all times be open to inspection and examination by all persons without any fee or charge therefor.

Note.—The amendment indicated above, in line 3 of section 71 of the act of June 22, 1938 (52 Stat. 882; 11 U.S. C. 111), is proposed to make it clear that when the records described in that section are no longer needed in conducting current business they may, as provided by law, be deposited with the National Archives of the United States or otherwise

disposed of.

(Sec. 2. (4):) SEC. 7. And be it further enacted, That the secretary of the board of regents shall take charge of the building and property of said institution, and shall under their direction, make a fair and accurate record of all their proceedings, to be preserved in said institution until no longer needed in conducting current business; and the said secretary shall also discharge the duties of librarian and of keeper of the museum, and may, with the consent of the board of regents, employ assistants; and the said officers shall receive for their services such sums as may be allowed by the board of regents, to be paid semi-annually on the first day of January and July; and the said officers shall be removable by the board of regents, whenever, in their judgment, the interests of the institution require any of the said officers to be changed.

Note.—The amendment indicated above, in line 4 of section 7 of the act of August 10, 1846 (9 Stat. 105; 20 U.S. C. 46), is proposed to make it clear that whenever the records described in that section are no longer needed in conducting current business they may, as provided by law, be deposited with the National Archives of the United States or otherwise

disposed of.

SECTION 3

(Sec. 3. (1):) This part of the bill, as originally drafted, would have amended a portion of section 8 of the Dockery Act (28 Stat. 208, 31 U. S. C. 74), by inserting "until disposed of as provided by law" so that portion would read as follows: "The Auditor shall, under the direction of the Comptroller of the Treasury, preserve, until disposed of as provided by law, with their vouchers and certificates, all accounts which have been finally adjusted."

Inasmuch as the Auditors and the Comptroller of the Treasury were abolished by the Budget and Accounting Act of 1921 (42 Stat. 20), and their functions and duties were placed in the General Accounting Office created thereby, it was suggested that this portion of section 8 be modernized by deleting the following:

"(1) By inserting 'until disposed of as provided by law' after the comma following 'preserve' in line 35, section 8, of the Act of July 31, 1894, as amended, on page 208 of volume 28 of the Statutes at Large (31 U. S. C. 74)."

Insert in lieu thereof the following:

"(1) By amending the third paragraph appearing on page 208 of volume 28 of the Statutes at Large in section 8 of the Act of July 31, 1894, as amended (31

U. S. C. 74), to read as follows.
"'The General Accounting Office shall preserve all accounts which have been finally adjusted, together with all vouchers, certificates, and related papers, until disposed of as provided by law."

Note.—This amendment is intended to modernize the statute by omitting all reference to the Auditors and the Comptroller of the Treasury, and to authorize the General Accounting Office to maintain, preserve,

and dispose of financial records under its jurisdiction as provided by law. (Sec. 3. (2):) The Postmaster General shall have recorded, in a book to be kept for that purpose, a true and faithful abstract of all proposals made to him for carrying the mail, giving the name of the party offering, the terms of the offer, the sum to be paid, and the time the contract is to continue; and he shall put on file and preserve the originals of all such proposals [until the end of the contract term to which they relate, after which the proposals that were not accepted may be destroyed or disposed of as waste paper I until disposed of as provided by law.

The reports of the arrivals and departures of the mails on mail routes made and sent by postmasters to the Second Assistant Postmaster General, on which no fines or deductions from the pay of contractors for carrying the mails have been based, and the certificates of oaths taken by carriers on mail routes may be disposed of as [waste paper after the expiration of one year from the end of the contract term to which they relate] provided by law when no longer needed in

conducting current business.

Note.—The deletion of the bracketed language and the insertion of the new language indicated above, in section 248 of the act of June 8, 1872 (17 Stat. 313; R. S. 3948), as amended by section 2 of the act of June 13, 1898 (30 Stat. 444; 39 U. S. C. 428), are proposed in order to preclude the disposition of such records of the Post Office Department except in accordance with the provisions of the Federal Records Act of 1950 (64 Stat. 583) or the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380–383; 59 Stat. 434; 44 U. S. C. 366–380).

(Sec. 3. (3):) That it shall be the duty of the Secretary of the Interior to cause official books, papers, instruments of writing, documents, archives, official seals, stamps, or dies, that may be found in the unauthorized possession of any indicated in the unauthorized possession of any indicated possession vidual, relating to and used in the administration of government and public affairs in the department of Upper California, and which belonged to the government during the existence of Spanish or Mexican authority in Upper California; and the same, when deposited in his office, shall be safely and securely kept by the Surveyor-General in the archives of his office until disposed of as provided by law; and copies thereof, authenticated by the Surveyor-General under the seal of his office, shall be evidence in all cases where the originals would be evidence; * *

Note.—The amendment indicated above in line 11 of the matter appearing before the proviso in section 1 of the act of May 18, 1858, ch. 39, as amended (11 Stat. 289; 43 U. S. C. 59), is proposed in order to make it clear that any such records of the Government when no longer needed in conducting current business are not required to be indefinitely preserved in the office of the said Surveyor General but may be disposed

of in accordance with the provisions of law.

(Sec. 3. (4):) Sec. 505. (a) All construction in respect to which a subsidy is allowed under this title shall be performed in a shipyard within the continental limits of the United States as the result of competitive bidding, after due advertisement, with the right reserved in the applicant to reject, and in the Commission to disapprove, any or all bids. In all such construction the shipbuilder, subcontractors, materialmen, or suppliers shall use, so far as practicable, only articles, materials, and supplies of the growth, production, or manufacture of the United States as defined in paragraph K of section 401 of the Tariff Act of 1930. shipbuilder shall be deemed a responsible bidder unless he possesses the ability,

experience, financial resources, equipment, and other qualifications necessary properly to perform the proposed contract. Each bid submitted to the Commission shall be accompanied by all detailed estimates upon which it is based. The Commission may require that the bids of any subcontractors, or other pertinent data, accompany such bid. All such bids and data relating thereto shall be kept permanently on file until disposed of as provided by law.

Note.—The deletion of the above bracketed word in the final sentence

Note.—The deletion of the above bracketed word in the final sentence of section 505 (a) and the insertion at the end thereof of the new language above indicated, in the act of June 29, 1936, as amended (49 Stat. 1998; 46 U. S. C. 1155), is proposed to make it clear that such bids and data relating thereto are not required to be permanently preserved by the United States Maritime Commission but may be disposed of when no longer needed in conducting current business as provided by law.

SECTION 4

(Sec. 4. (1):) The Librarian of Congress may from time to time transfer to other governmental libraries within the District of Columbia, including the Public Library, books and material in the possession of the Library of Congress in his judgment no longer necessary to its uses, but in the judgment of the custodians of such other collections likely to be useful to them, and may dispose of or destroy such material as has become useless **L.1**: Provided, That no records of the Federal Government shall be transferred, disposed of, or destroyed under the authority granted in this paragraph.

Note.—The amendment above indicated, at the end of the twelfth paragraph on page 858 of volume 35 of the Statutes at Large, in the act of March 4, 1909 (2 U. S. C. 149), is proposed to preclude the transfer, disposition, or destruction of Government records in the Library of Congress except in accordance with the provisions of the Federal Records Act of 1950 (64 Stat. 583) or of the Federal Records Disposal Act of July 7, 1943, as amonded (57 Stat. 282, 282, 583).

of 1950 (64 Stat. 583) or of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380-383; 59 Stat. 434; 44 U. S. C. 366-380). (Sec. 4. (2):) Sec. 9. That all returns and muster rolls of organizations of the volunteer forces and of militia organizations while in the service of the United States shall be rendered to The Adjutant General of the Army, and upon the muster out of such organizations the records pertaining to them shall be transferred to and filed in The Adjutant General's Office. And regimental and all other medical officers serving with volunteer troops, or with militia organizations in the service of the United States, in the field or elsewhere, shall keep a daily record of all soldiers reported sick or wounded, as shown by the morning calls or reports, and shall deposit such reports, with other reports provided for in this section, in The Adjutant General's Office, as provided for herein for other reports, returns, and muster rolls [.]: Provided, That nothing in this section shall preclude the disposition of such records as provided by law when they are no longer needed in conducting the current business of the Department.

Note.—The amendment indicated above at the end of section 9 of the act of April 25, 1914 (38 Stat. 350; 5 U. S. C. 196), is proposed in order to make certain that the disposition of such records when no longer needed in conducting current business may be accomplished in accordance with the provisions of the Federal Records Act of 1950 (64 Stat. 583) or of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380–383; 59 Stat. 434; 44 U. S. C. 366–380).

(Sec. 4. (3):) And the Secretary of War shall, upon the application of the Governor of any State, furnish to such Governor a transcript of the military history of any regiment or company of his State, under such regulations as the Secretary of War may prescribe, at the expense of such State [.]: Provided, That the disposition of any records required in furnishing such transcripts shall, after they are otherwise not needed in conducting current business, be made as provided by law.

Note.—The amendment indicated above in the last sentence of the first full paragraph on page 788 of volume 28 of the Statutes at Large, in the act of March 2, 1895 (5 U. S. C. 197), is proposed in order to preclude records required in furnishing such transcripts to be indefinitely retained by the Department of the Army after they are no longer otherwise needed in conducting current business and to authorize their transfer to the National Archives of the United States in accordance with the provisions of section 507 (a) (1) of the Federal Records Act of 1950 (64 Stat. 583) or their disposition by other means in accordance with

provisions of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380-383; 59 Stat. 434; 44 U.S. C. 366-380)

(Sec. 4. (4):) (e) DISPOSITION.—The original of the invoice and, if made, the quadruplicate shall be delivered to the exporter, to be forwarded to the consignee for use in making entry of the merchandise, and the triplicate shall be promptly transmitted by the consular officer to the collector of customs at the port of entry named in the invoice. The duplicate shall be filed in the office of the consular officer by whom the invoice was certified, to be there kept [until the Secretary of State authorizes its destruction] until no longer needed in conducting the current business of the consular office, at which time it may be disposed of as provided by law.

Note.—The deletion of the bracketed language and the insertion of the new language indicated above, in line 7 of section 482 (e) of the act of June 17, 1930 (46 Stat. 721; 19 U. S. C. 1482 (e)), are proposed in order to preclude the disposition of such records except in accordance with provisions of the Federal Records Act of 1950 (64 Stat. 583) and of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380–383; 59 Stat. 434; 44 U. S. C. 366–380).

This is a clarifying amendment intended to integrate the disposition of the subject records with the Federal Records Disposal Act of 1943 and the Federal Records Act of 1950.

(Sec. 4. (5):) [That the Secretary of the Interior is authorized, under rules and regulations to be prescribed by him, to place with the Oklahoma Historical Society of the State of Oklahoma any records of the Five Civilized Tribes, including the Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles, which may be in the custody or control of the Secretary of the Interior and the Supertendent for the Five Civilized Tribes; also of the Wichita, Kiowa, Comanche, Caddo, and Apache Indians that may be within his custody or control or of the agent at Anadarko, Oklahoma; also the Arapaho and Cheyenne Indians that may be within his custody or control or of the agent at Concho, Oklahoma; also of the Sac and Fox, Pottawatomie, Kickapoo, and Iowa Indians that may be within his custody or control or of the agent at Shawnee, Oklahoma; also of the Wyandotte, Seneca, Quapaw, Peoria, Modoc, and Miami Indians that may be within his custody or control or of the agent at Miami, Oklahoma; also of the Tonkawa, Ponca, Pawnee, Otoe, and Kaw Indians that may be within his custody or control or of the agent at Pawnee, Oklahoma; and of the Osage Indians that may be within his custody or control or of the agent at Pawhuska, Oklahoma. Oklahoma Historical Society in receiving the custody of such papers, records, and matters of historical interest to receive same as custodian for the United States of America and the Secretary of the Interior, and to hold same under rules and regulations as may be prescribed by him: Provided, That copies of any documents, records, books, or papers in the office of and custody of the Oklahoma Historical Society when certified by the secretary or chief clerk of said society under its seal, or when such office or position is vacant by the officer or person acting as secretary or chief clerk for the time, shall be evidence equally with the original, and in making such certified copies such secretary or acting secretary and such chief clerk or acting chief clerk shall be acting as a Federal agent, and such certified copies shall have the same force and effect as if made by the Secretary of the Interior when such documents, records, books, or papers were in his office as Secretary of the Interior and certified by him under seal of his office: Provided further, That whenever such certified copies are desired by the Government to be used for the benefit of the Government they shall be furnished without cost: Provided, further, That any of the records placed with the Historical Society shall be promptly returned to the Government official designated by the said Secretary upon his request therefor. That title to records of Indian Tribes heretofore placed with the Oklahoma Historical Society of the State of Oklahoma by the Secretary of the Interior shall remain vested in the United States and such records shall be held by the said Society under rules and regulations prescribed by the Administrator of General Services: Provided, That copies of any such records, documents, books, or papers held by the said Society when certified by the secretary or chief clerk thereof under its seal, or by the officer or person acting as secretary or chief clerk, shall be evidence equally with the original, and in making such certified copies the said secretary or acting secretary and the said chief clerk or acting chief clerk shall be acting as a Federal agent, and such certified copies shall have the same force and effect as if made by the Administrator of General Services as provided in section 509 (b) of the Federal Records Act of 1950 (64 Stat. 583): Provided further, That whenever such certified copies are desired for official use by the Federal Government they shall be furnished without cost: Provided further, That any such records held by the said Society shall be promptly returned to the Government official designated

by the Administrator of General Services upon his request therefor.

Note.—The repeal of the above bracketed provision in the act of March 27, 1934, ch. 93 (48 Stat. 501; 25 U. S. C. 199a), and the enactment in lieu thereof of the above italicized provision, are proposed in order to transfer control from the Secretary of the Interior to the Administrator of General Services of the records of certain Indian tribes heretofore placed with the Oklahoma Historical Society by the Secretary of the Interior that are not needed in conducting the current business of the Department of the Interior but the bulk of which are required to be preserved indefinitely; to preclude any further transfers of such records to the said society except in accordance with provisions of the Federal Records Act of 1950 (64 Stat. 583) and of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380–383; 59 Stat. 434; 44 U. S. C. 366–380), or of regulations issued pursuant thereto; and to provide for the making and furnishing of certified copies of such records held by the said society, as well as for their return to the Federal Government upon request of the said Administrator.

(Sec. 4. (6):) Sec. 1120. Publicity of Proceedings.
All reports of the Tax Court and all evidence received by the Tax Court and its divisions, including a transcript of the stenographic report of the hearings, shall be public records open to the inspection of the public; except that after the decision of the Tax Court in any proceeding has become final the Tax Court may, upon motion of the taxpayer or the Commissioner, permit the withdrawal by the party entitled thereto of originals of books, documents, and records, and of models, diagrams, and other exhibits, introduced in evidence before the Tax Court or any division; or the Tax Court may, on its own motion, make such other disposition thereof as [it deems advisable] is provided by law.

NOTE.—The repeal of the above bracketed language and the enact-Note.—The repeal of the above bracketed language and the enactment in lieu thereof of the above italicized language, in the last line of section 1120 of the act of February 10, 1939 (53 Stat. 162; 26 U. S. C. 1120), as amended by section 504 of the act of October 21, 1942 (56 Stat. 957), are proposed in order to preclude the disposition of certain records of, and evidence received by, the Tax Court of the United States except in accordance with provisions of the Federal Records Act of 1950 (64 Stat. 583) and of the Federal Records Disposal Act of July 7, 1943, as amended (57 Stat. 380–383; 59 Stat. 434: 44 U. S. C. 366–380) 1943, as amended (57 Stat. 380–383; 59 Stat. 434; 44 U. S. C. 366–380). (Sec. 4. (7):) § 6. Records of former court of appeals.

The records and proceedings of the court of appeals, appointed previous to the adoption of the Constitution, shall be kept until deposited with the National Archives of the United States in the office of the clerk of the Supreme Court, who shall furnish copies thereof to any person requiring and paying for them, in the manner provided by law for giving copies of the records and proceedings of the Supreme Court. Such copies shall have the same faith and credit as proceedings of the

Supreme Court.

Note.—The amendment indicated above, in the first sentence of section 6 of the act of June 25, 1948 (62 Stat. 870; 28 U. S. C. 6), is proposed to make it clear that the records and proceedings of the court of appeals are not required to be retained permanently in the office of the clerk of the Supreme Court but that they may be deposited with the National Archives of the United States for continued preservation.

(Sec. 4. (8):) That the Postmaster General is hereby authorized, subject to the provisions of the Act entitled "An Act to provide for the disposal of certain records of the United States Government," approved July 7, 1943 (57 Stat. 380), as amended, to sell as waste paper or otherwise dispose of the files of papers which have accurately the self-section of the state of the self-section of the section of the mulated or may hereafter accumulate in post offices, that are not needed in the transaction of current business and have no permanent value or historical interest, and pay the proceeds of said sales into the Treasury as postal revenues.

Note.—The amendment indicated above in the third line of the act of May 11, 1906 (34 Stat. 186; 39 U. S. C. 8), is proposed in order to enable the proceeds of said sales to continue to be paid into the Treasury as postal receipts but to require the Postmaster General to dispose of the described records in accordance with the provisions of the Federal Records Disposal Act, as amended (57 Stat. 380–383; 59 Stat. 434; 44 U. S. C. 366–380).

14 REPEAL CERTAIN LAWS RELATING TO GOVERNMENT RECORDS

(Sec. 4. (9):) Sec. 71. That every postmaster shall keep a record, in such form as the Postmaster General shall direct, of all postage stamps and envelopes and of all postal books, blanks, and property received from his predecessor, or from the department or any of its agents; and also of all receipts in money for postages and box rents, and of all other receipts on account of the postal service, and of any other transactions which may be required by the Postmaster General; and, until disposed of as provided by law, these records shall be preserved and delivered to his successor, and shall be at all times subject to examination by any special agent of the department.

Note.—The amendment above-indicated, in line 7 of section 71 of the

act of June 8, 1872 (17 Stat. 293; 39 U. S. C. 41), is proposed in order to preclude the indefinite preservation in post offices of records that are no longer needed in conducting current business.

are no longer needed in conducting current business.

